

921 KAR 2:035. Right to apply and reapply.

RELATES TO: KRS 194A.060, 205.175, 205.177, 205.200(1), 205.240, 205.245, 45 C.F.R. 206.10, 42 U.S.C. 601-619, 1973gg-5

STATUTORY AUTHORITY: KRS 116.048(1), 194A.050(1), 205.200(2), 42 U.S.C. 601-619

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 205.200, 205.240, and 205.245 require the Cabinet for Health and Family Services to administer the Kentucky Transitional Assistance Program (K-TAP) and the State Supplementation Program (SSP) for persons who are aged, blind, or have a disability. KRS 116.048 designates the cabinet to have responsibility for the administration of public assistance programs as a voter registration agency in accordance with 42 U.S.C. 1973gg-5. This administrative regulation establishes policy and procedures necessary to apply for assistance and provide an eligible public assistance participant the opportunity to register, or to decline from registering, to vote.

Section 1. Right to Apply or Reapply. (1) An individual may apply or reapply for K-TAP or SSP through the Department for Community Based Services (DCBS).

(2) An application shall have been made on the date:

(a) An individual makes an application by telephone;

(b) An individual or the individual's authorized representative is in the DCBS office and signs an application form incorporated by reference in 921 KAR 2:040; or

(c) DCBS is contacted for special accommodations due to an impairment or disability.

(3) If an individual is physically unable to come to the office to apply, the individual may:

(a) Designate an authorized representative to apply;

(b) Request a home visit to complete the application process; or

(c) Make an application by telephone.

(4) The applicant may be:

(a) Assisted by an individual of the applicant's choice in the application process; and

(b) Accompanied by this individual in a contact with DCBS.

(5) In accordance with 920 KAR 1:070, interpreter services shall be provided for persons who are:

(a) Deaf; or

(b) Hard of hearing.

(6) Interpreter services shall be provided for a non-English speaking individual, utilizing procedures and forms specified by 920 KAR 1:070.

(7) The cabinet shall not discriminate against an applicant based on age, race, color, sex, disability, religion, national origin, or political beliefs.

Section 2. Who May Sign an Application. (1) Except for a case based on incapacity, an application for K-TAP shall be signed by:

(a) The relative with whom a needy child lives;

(b) The legally appointed guardian of the relative; or

(c) A representative authorized in writing to act on behalf of the relative.

(2) An application for K-TAP based on incapacity shall be signed by:

(a) An individual listed in subsection (1) of this section; or

(b) An interested party acting on behalf of the applicant.

(3) An application for SSP shall be signed by:

- (a) The individual who is aged, blind, or has a disability;
- (b) An interested party;
- (c) The legally appointed guardian for the individual who is aged, blind, or has a disability; or
- (d) The representative payee receiving the Supplemental Security Income (SSI) benefit.

Section 3. Action on Applications. (1) A decision shall be made on an application and payment made within:

- (a) Forty-five (45) days for K-TAP or SSP; or
- (b) Ninety (90) days for SSP determinations in which permanent and total disability shall be established.

(2) Exception to this time standard may be made:

(a) If the applicant is unable to obtain necessary verification for a determination of eligibility; or

(b) For failure or delay, that cannot be controlled by DCBS, on the part of the applicant or examining physician.

(3) The case record shall document the cause for the delay if the time standards are not met.

(4) Failure to process an application within the time frame shall not be used as the basis for denial.

Section 4. Voter Registration. In accordance with KRS 116.048 and 42 U.S.C. 1973gg-5, an applicant or recipient shall be provided the opportunity to complete an application to register to vote or update his current voter registration in accordance with 921 KAR 3:030, Section 8.

Section 5. Disclosure of Information. Use or disclosure of information obtained from applicant households, exclusively for the program, shall be restricted pursuant to KRS 194A.060, 205.175, and 205.177. (PA-71; 1 Ky.R. 1282; eff. 7-2-1975; Am. 6 Ky.R. 696; 7 Ky.R. 308; eff. 9-3-1980; 8 Ky.R. 1189; eff. 6-25-1982; 16 Ky.R. 241; eff. 9-20-1989; 17 Ky.R. 532; eff. 10-14-1990; 19 Ky.R. 1449; 1787; eff. 1-27-1993; 21 Ky.R. 2817; eff. 6-21-1995; 24 Ky.R. 978; 1519; eff. 1-12-1998; Recodified from 904 KAR 2:035, 10-30-1998; 40 Ky.R. 1504; 2302; eff. 5-2-2014.)